

**AGENDA
BOARD OF SELECTMEN
February 12, 2008
7:00 p.m.
Town Building**

Public Input

Chairman's Comments

Town Administrator's Report

Meeting Minutes

Visitors

- 7:30 pm Appointment to Land Use Task Force

Action/Discussion

- Town Administrator's report on FY09 budget requests
- Accept Fairway Drive land deed
- Approve Arbor Glen affordable housing regulatory agreement
- Sign approved Police Chief contract
- 325th Anniversary Celebration planning
- Approve Board of Selectmen's annual report for 2007
- Review Board's role in discontinuing use of Gardner Road

Selectmen's Master Planning

- Status of the Master Plan

Liaison Reports, if any

Adjournment

Posted 2/8/08

Correspondence

Town:

Building Permit Reports for December and January, rec'd 1/17 and 2/6
Tax Title Accounts Report, for Q2, rec'd 1/18
Letter of interest in Municipal Affordable Housing Trust membership, rec'd 1/22
Memo from Planning Board requesting abandonment of Gardner Road, rec'd 1/22
Letter of resignation from Municipal Affordable Housing Trust, rec'd 1/31
Letters from Comcast on complaint resolution and semi-annual payment of \$21,345.61
Planning Board request for comments on Greenbaum special permit, rec'd 1/30
Letter of resignation from Fire Chief David Soar, rec'd 2/1

General:

EOEEA Smart Energy/Smart Growth toolkit, rec'd 1/17
MBTA Advisory Board minutes and FY2009-13 Capital Investment Plan, rec'd 1/17
MAPC annual report for 2007, rec'd 1/18
MAPC notice of Transportation Enhancement Program and application deadlines, rec'd 1/22



Town of Stow BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

NOTICE OF VACANCY

LAND USE TASK FORCE

5 Members

This is a new committee.

Objective: To develop and present to Annual Town Meeting, comprehensive land use and acquisition strategies that will effectively and efficiently meet Stow's current and future land needs.

Major Activities:

1. Complete a thorough cataloging and prioritization of current and future land needs.
2. Conduct a comprehensive analysis of:
 - Town-owned land
 - Properties currently governed under Chapter 61
 - Large privately-owned parcels (>5 acres) and all parcels adjacent to town-owned land
 - Land under conservation restriction
3. Develop a process for the town's response to right-of-first-refusal offers on Ch. 61 properties.

Qualifications: Registered voter of Stow. Demonstrated background and expertise in one or more of the following areas:

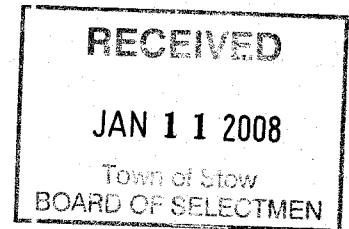
- Housing
- Land conservation
- Recreation
- Municipal finance
- Municipal zoning
- Town governance

Term: Appointment by the Board of Selectmen. Members will serve until a comprehensive strategy has been presented and adopted at a Town Meeting.

Application: The Board of Selectmen will accept letters of application until 5:00 pm on Wednesday, January 16, 2008.

Posted December 7, 2007


Town of Stow
Board of Selectman
Jan. 10, 2008



I am applying for a position on the Land Use Committee. I have a continuing interest in the wise use of land in town to balance the long term needs of all residents. My wife and I chose Stow to be our permanent, long term residence when we moved here in 2003.

My specific qualifications for this committee are my experience in helping diverse stakeholders recognize and act upon their common interests. My prior experience in town governance is with the School Building Task Force where I served as one of two facilitators. My specific efforts on the task force were focused on the design and conduct of various forums to engage the community in the progress of school building (and land) decisions.

Sincerely,



Richard Lent
154 Taylor Rd
Stow, MA 01775

Susan McLaughlin

From: Busch, Mike [Mike.Busch@amd.com]
Sent: Wednesday, January 16, 2008 12:47 AM
To: Susan McLaughlin
Cc: IrishPilotJim@aol.com
Subject: land use committee

Hi Susan,

The Recreation Commission did a **huge** amount of research on land in Stow. I would like to ask that I be considered for a position on the selectman's newly formed land survey/use committee. Recreation has a bunch of data on private and public land to share that will add to informed decisions by the Selectmen via the committee.

Thanks,

Mike

PS. IrishPilot@aol.com is Jim Henry

1/17/2008

Susan McLaughlin

From: DASPAULDIN@aol.com
Sent: Monday, January 21, 2008 8:07 PM
To: selectmen@stow-ma.gov
Subject: Land Use Committee

104 Pine Point Road
Stow, MA 01775
January 21, 2008

Town of Stow
Board of Selectmen

I am interested in being considered for the position on the Land Use Committee. I am now retired and would like to do something for the town in which I grew up. My work experience as a Draftsperson, Documentation Manager and Printed Circuit Designer would probably be a good fit for this position or committee.

Thank you for your time and consideration. I look forward to speaking with you soon.

Very truly yours
Dorothy A Spaulding

Start the year off right. Easy ways to stay in shape in the new year.

QUITCLAIM DEED

STOW WOODLANDS LLC, a Massachusetts Limited Liability Company having its usual place of business at 15 Carroll Circle, Weston, Middlesex County, Massachusetts

in consideration of LESS THAN ONE HUNDRED DOLLARS (\$100.00)

grants to the **INHABITANTS of the TOWN of STOW, MASSACHUSETTS**

of 380 Great Road, Stow, Massachusetts 01775

with *QUITCLAIM COVENANTS*

A certain parcel of land on the easterly side of Edson Street in Stow, Middlesex County, Massachusetts, containing 12.714 acres and being shown as Parcel C1 on a PLAN OF LAND IN STOW, MA, prepared for S.C.C. Associates, Inc., 58 Randall Road, Stow, MA, by Acton Survey & Engineering of Acton, MA, DATED FEBRUARY 3, 1998, Scale 1" = 80', and which plan is filed with Middlesex Registry of Deeds as Plan No. 264 of 1998, recorded in Book 28298, Page 44.

This deed is given pursuant to the requirements of a decision for Subdivision Approval given by the Stow Planning Board recorded at Middlesex Registry of Deeds Book 38546, Page 219.

For title reference of the Grantor see Deed recorded at Middlesex District Registry of Deeds Book 34653, Page 257.

Return to:
Board of Selectmen
Town of Stow
380 Great Road
Stow, MA 01775

(2 pages)

IN WITNESS WHEREOF this 24th day of October, 2007.

STOW WOODLANDS LLC

By its Manager:

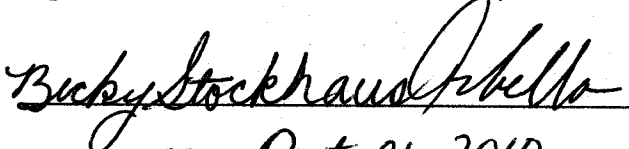


Roger K. Kane, Jr.

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this 24 day of October 2007, before me, the undersigned Notary Public personally appeared **Roger K. Kane, Jr.**, and proved to me through satisfactory evidence of identification, which was Massachusetts Drivers License/personally known to the undersigned, to be the person whose name is signed on the preceding or attached document and acknowledged that he signed it as the Manager of **Stow Woodlands LLC**, for its stated purpose.



Notary Public: Oct 01, 2010



Susan McLaughlin

From: Karen Kelleher [planning@stow-ma.gov]
Sent: Thursday, February 07, 2008 3:06 PM
To: Susan McLaughlin
Cc: Ernie Dodd
Subject: Deed

Hi Susan,

Some background information on the Fairway Drive Deed...

This Open Space Parcel is deeded to the Town as required by Subdivision Approval for the Country Club Estates (Fairway Drive) Subdivision. Access is gained through a 20' right-of-way easement. The following findings, waivers and apply to this requirement.

FINDING

7.17 The Plan does not provide 10% of the subdivision to be designated as Open Space, as required by Section 7.8.2.2.d of the Rules. The applicant offered to deed to the Town of Stow, a 13.71 acre parcel of land abutting the subdivision for conservation purposes in lieu of providing 10% (1.212 acres) of the subdivision area suitable for development. This parcel, owned by the Applicant, is shown on Assessor's Map R-11 as Parcel 11B and is contiguous to the proposed subdivision and contains at least 1.8 acres of upland (land suitable for development). Access is provided to the upland portion of this parcel from a 20-foot wide right-of-way easement from the Fairway Drive cul-de-sac, along the Lot 9/10 property line. The Board finds that the Applicant's proposal to deed the 13.71 acre parcel to the Town is in keeping with the intent of the Rules. The Board recommends that the Town accept this open space parcel, provided that all manmade debris shall be removed from the parcel and the applicant provides certification by a professional environmental engineering firm that there are no hazardous materials on the site. Alternatively, if the Town does not accept the offer, the Board recommends that the Open Space be retained in a homeowners trust with deed restrictions, subject to approval of the Board.

WAIVER

8.2 Waiver from Section 7.8.2.2.d by allowing the applicant to deed to the Town of Stow, a 13.71 acre parcel of land abutting the subdivision for conservation purposes in lieu of providing 10% (1.212 acres) of the subdivision area suitable for development. The Board GRANTS a waiver to allow the applicant to offer said 13.71 acre parcel to the Town, subject to certification by a professional environmental engineering firm that there are no hazardous materials on the site and that all manmade debris larger than one cubic foot shall be removed from the parcel. Alternatively, if the Town does not accept the offer, the Open Space shall be retained in a homeowners trust with deed restrictions, subject to approval of the Board.

CONDITIONS:

9.9 Prior to issuance of the sixth (6th) Building Permit, the Open Space parcel shall be deeded to the Town. Alternatively, if the Town does not accept the offer, the Open Space parcel shall be deeded to a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Open Land may be dedicated; or to a corporation or trust owned or to be owned by the owners of lots or residential units within the Subdivision. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.

In all cases, a Perpetual Restriction approved by the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed.


9.10 Prior to issuance of the fourth (4th) Building Permit, the 20' right-of-way easement between Lots 9 and 10 shall be cleared of vegetation and a suitable material such as wood chips, subject to approval of the Board, shall be placed on the path. Granite Boundary Markers shall be placed at each end of the easement for identification.

Planning Board
380 Great Road
Stow, MA 01775
Tel: 978-897-5098
Fax: 978-897-2321

Town of Stow

Memo

To: Board of Selectmen

From: Karen Kelleher, Planning Coordinator 

CC: Housing Authority
Affordable Housing Trust
Jon Witten, Town Counsel

Date: January 30, 2008

Re: Arbor Glen Active Adult Neighborhood Affordable Housing Regulatory Agreement

The Planning Board respectfully requests your endorsement of the attached Regulatory Agreement for the Arbor Glen Active Adult Neighborhood.

We are happy to report on progress made toward achieving Stow's goal to provide affordable housing units. The Town is in receipt of the first cash payment in lieu of construction of affordable units in the amount of \$78,802.67 from Pulte Homes for the Arbor Glen Active Adult Neighborhood. This payment has been deposited in the Stow Affordable Housing Trust Fund. We have also been advised that the Developer held the lottery in accordance with the Local Initiative Program, selected a qualified buyer and has an affordable unit ready to be occupied.

In order to complete the sale, DHCD requires a Regulatory Agreement, signed by the Board of Selectmen, as well as documentation, which shows that the Board of Selectmen voted to sign the Agreement (i.e. meeting minutes). The attached Regulatory Agreement was submitted to and approved by DHCD after input from the Planning Board, Housing Partnership, Housing Trust and Town Counsel.

The following is intended to give you some background on the Zoning Bylaw and Special Permit requirements relative to this development:

In its Special Permit Approval, dated May 1, 2006, Section 7.6, the Planning Board made the follow findings and conditions:

Finding – The Board finds that:

- The Bylaw requires 10% of the units to sell at a price affordable to low income and/or moderate income **QUALIFIED AFFORDABLE HOUSING PURCHASERS (10% = 6.6 units rounded up to 7 units).**
- The Bylaw requires an additional 5% of the units built to sell at a price affordable to middle income households, as defined by Executive Order 418. **(5% = 3.3 units rounded to 3 units).** Executive Order 418 establishes the

maximum annual income at 150% of Median Income. Maximum annual income is determined as a household of 3, based on DHCD rules, which are established by the number of bedrooms plus 1.

- The Petitioner proposes to provide a cash payment in lieu of dwelling units, as authorized in Section 8.8.9.B.ii of the Bylaw. At least half of the required 10% affordable units shall be constructed on-site (**1/2 of the 7 affordable units = 4**) and 150% of the remaining (**3**) affordable units can be a cash payment. (**150% of the remaining 3 units = 4.5**).
- Section 8.8.9.B.ii.c of the Bylaw states "Cash Payment = the number of required off-site units times 35% of the average sale price of new construction AFFORDABLE DWELLING UNITS." Income limits and selling prices shall be determined by the latest available data from DHCD.
- Section 8.9.5.2 of the Bylaw requires that Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

Condition – Income levels and selling price for units, affordable to Low Income and/or Moderate Income QUALIFIED AFFORDABLE HOUSING PURCHASERS shall be determined by the latest available data from the Department of Housing and Community Development. Low and/or Moderate Income shall be defined as 80% of Median Income.

Condition – At least 4 units, affordable to Low Income and/or Moderate Income QUALIFIED AFFORDABLE HOUSING PURCHASERS shall be built on site, and shall be located so as to be scattered throughout the site.

Condition – Prior to issuance of the first building permit, the Petitioner shall provide a letter identifying which units are designated as affordable to Low Income and/or Moderate Income QUALIFIED AFFORDABLE HOUSING PURCHASERS.

Condition – Affordable units shall be constructed on the same schedule as market rate units.

Condition – All units, designated as affordable to Low Income and/or Moderate Income QUALIFIED AFFORDABLE HOUSING PURCHASERS, shall be deed restricted in perpetuity.

Condition – If the Petitioner chooses to make a cash payment for the remaining three (3) affordable units, such payment shall be for 150% of the remaining 3 units (4.5 units). The cash payment shall be calculated at 35% of the average sale price of new construction affordable dwelling units. Such cash payments shall be made payable to the Town of Stow and shall be reserved by the Town of Stow in a separate account, independent and distinct from the Town's general fund, and shall be used solely for the purpose of the creation or continuation of Low Income and Moderate Income housing. Incremental payments shall be made, in three equal payments, in accordance with the following schedule:

- One third before issuance of the first building permit
- One third before issuance of the 23rd building permit
- One third before issuance of the 45th building permit

Condition – At least 3 units (5% of the units) shall be built to sell at a price affordable to Middle Income households.

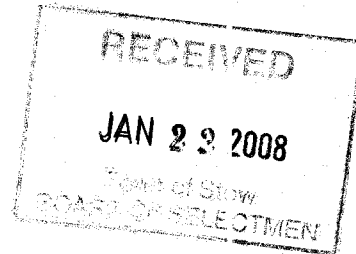
Condition – The proposed Low and Moderate Income and Middle Income deed restrictions are subject to approval of the Board after review by Town Counsel, and shall include a local preference for:

- Current or past Stow residents
- Parent, sibling or child of Stow resident
- Employee of the Town of Stow
- Emergency service provider for the Town of Stow

Planning Board
Lower Village Sub-Committee
380 Great Road
Stow, MA 01775
Tel: 978-897-5098
Fax: 978-897-2321

Town of Stow

Memo



To: Board of Selectmen
From: Lower Village Sub-Committee
cc: Planning Board
Date: January 22, 2008
Re: Gardner Road

The Lower Village Sub-Committee voted to recommend abandonment of a portion of Gardner Road (from a point near the entrance to the Shopping Center at Papa Gino's to Great Road). The Sub-Committee's objective is to help enhance the Lower Village appearance and historic heritage by returning the Lower Village Common as close to its original size as much as possible by converting that portion of Gardner Road into the common.

Abandonment of a road does require a public hearing and would give the Town the ability to hear and evaluate public comments and town concerns. We are already in receipt of letters of support from the Fire Chief and Police Department and request that the Board of Selectmen begin the process of abandoning this portion of Gardner Road, in accordance with M.G.L., Chapter 82, Section 32A. Copies of the letters are attached.

Enc.

Letter from Fire Chief

Letter from Police Department

M.G.L. Chapter 82; Section 32A. Abandonment of municipal ways

Sketch Plan

Memo

To: Board of Selectmen

From: Fire Chief

CC:

Date: 9/6/07

Re: Gardner Rd

RECEIVED

Sept. 6, 2007

TOWN OF STOW
PLANNING BOARD

After meeting with the Lower Village Committee the fire department has no issues with the closing off of Gardner Rd.

If you have any questions please feel free to contact me.

Karen Kelleher

From: tlima.stowpd@comcast.net
Sent: Thursday, December 06, 2007 8:07 AM
To: planning@stow-ma.gov
Subject: Lower Village

Good Morning Karen,

In regards to the Gardner Road Extension, the Police Department is in favor of closing it. As we discussed in our on site meeting, I would like to see the entrance to the Shopping Plaza closed across from the Sun Lite Cafe. There are far too many entrance/exit points for this location. I have discussed this issue with Chief Trefry, we are both in agreement. If you are in need of a formalized letter, please let me know.

See you soon,
Tim

--

Sgt. Timothy Lima
Stow Police Dept
305 Great Rd
Stow, MA 01775
978-897-4545

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12/12/2007

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT**TITLE XIV. PUBLIC WAYS AND WORKS****CHAPTER 82. THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC WAYS, AND SPECIFIC REPAIRS THEREON****PROCEDURE OF COUNTY COMMISSIONERS IN RESPECT TO TOWN WAYS AND PRIVATE WAYS**

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Chapter 82: Section 32A. Abandonment of municipal ways

Section 32A. The board or officers of a city or town having charge of a public way may, after holding a public hearing, notice of which shall be sent by registered mail, return receipt requested, to all property owners abutting an affected road and notice of which shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting in a conspicuous place in the office of the city or town clerk for a period of not less than fourteen days before the day of the hearing, upon finding that a city or town way or public way has become abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way or public way to be maintained in a condition reasonably safe and convenient for travel, shall declare that the city or town shall no longer be bound to keep such way or public way in repair and upon filing of such declaration with the city or town clerk such declaration shall take effect, provided that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of such way or public way, or portions thereof. Upon petition in writing of the board or officers of a city or town in which a county highway is located, the county commissioners, whenever common convenience and necessity no longer require such way to be maintained in a condition reasonably safe and convenient for public travel, after giving notice in the manner prescribed in section 3, and after viewing the premises and hearing the interested parties in the manner prescribed in section 4, may adjudicate that the town shall no longer be bound to keep the way in repair, and thereupon the adjudication shall take effect; provided, that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of the way, or portions thereof.

